

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**IN RE PAYMENT CARD
INTERCHANGE FEE AND MERCHANT
DISCOUNT ANTITRUST LITIGATION**

This Document Relates to:

All Class Actions

MASTER FILE 05-MD-1720 (JG) (JO)

**NOTICE OF MOTION TO DISMISS
THE SECOND SUPPLEMENTAL
CLASS ACTION COMPLAINT**

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Motion to Dismiss the Second Supplemental Class Action Complaint, and the accompanying Declaration of Michael R. Hartman In Support of Motion to Dismiss the Second Supplemental Class Action Complaint and the exhibits attached thereto, the undersigned Defendants will move this Court before the Honorable James Orenstein on a date and time to be designated by the Court, in the United States Courthouse, 225 Cadman Plaza East, Brooklyn, NY 11201, for an order dismissing with prejudice the Second Supplemental Class Action Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).

PLEASE TAKE FURTHER NOTICE that Defendants request oral argument of this motion.

Dated: March 31, 2009.

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